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| CLERK US DISTRICT COURT<br>DISTRICT OF NEVADA |           |
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Constance Lorraine  
 Name  
290 Spear Court  
Fernley Nevada 89408  
(775) 575-7757  
 Prison Number  
 Phone

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

Constance Lorraine  
 Plaintiff,  
 vs.  
Norman L. Wallin, et al.  
Kevin Sheppard  
Santander Consumer USA Inc  
Fiat of Reno Dealership  
 Defendant(s).

**CASE NO.** 3:16-CV-00409-MMD-WGC  
 (To  
**CIVIL RIGHTS COMPLAINT  
 PURSUANT TO  
 42 U.S.C. § 1983**

**A. JURISDICTION**

- 1) This complaint alleges that the civil rights of Plaintiff, Constance Lorraine  
 (Print Plaintiff's name)

who presently resides at 290 Spear Ct, Fernley NV 89408 were

violated by the actions of the below named individuals which were directed against

Plaintiff at FIAT of Reno (Nevada) on the following dates  
 (institution/city where violation occurred)

07-18-15  
 (Count I)

07-18-15  
 (Count II)

07-18-15  
 (Count III)

Make a copy of this page to provide the below  
information if you are naming more than five (5) defendants

- 2) Defendant Norman L. Wallin <sup>represented by Michael C. Lehnerts Esquire</sup> resides at 429 Marsh Avenue, Reno, NV 89509  
(full name of first defendant) (address if first defendant)  
and is employed as Salesman @ Fiat of Reno. This defendant is sued in his/her  
(defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: as a salesman for Fiat of Reno

- 3) Defendant Kevin Sheppard <sup>5710 Prairie Dunes Court</sup> resides at Sparks, NV 89436  
(full name of first defendant) (address if first defendant)  
and is employed as Sales Manager of Fiat of Reno. This defendant is sued in his/her  
(defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: as the manager (and final word) for Fiat of Reno. <sup>ste. 4</sup>

- 4) Defendant Santander Consumer USA, Inc. <sup>for Chrysler Capital</sup> <sup>represented by 6785 S. Eastern Ave.</sup> resides at Aaron M. Waite Las Vegas NV 89119  
(full name of first defendant) (address if first defendant) <sup>Lead Attorney</sup>  
and is employed as financial institution Atty. This defendant is sued in his/her  
(defendant's position and title, if any)  
☐ individual ☒ official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: sent supposed financial arrangements to Plaintiff.

- 5) Defendant Fiat of Reno resides at 757 Kidzke Ln., Reno, NV  
(full name of first defendant) (address if first defendant)  
and is employed as dealership where Fiats. This defendant is sued in his/her  
(defendant's position and title, if any) are sold.  
☐ individual ☒ official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: Dealership where Fiats are sold + transactions take place.

6) Defendant \_\_\_\_\_ resides at \_\_\_\_\_,  
 (full name of first defendant) (address if first defendant)  
 and is employed as \_\_\_\_\_. This defendant is sued in his/her  
 (defendant's position and title, if any)  
 \_\_\_\_ individual \_\_\_\_ official capacity. (Check one or both). Explain how this defendant was  
 acting  
 under color of law: \_\_\_\_\_

7) Jurisdiction is invoked pursuant to 28 U.S.C. § 1343 (a)(3) and 42 U.S.C. § 1983. If you wish to assert jurisdiction under different or additional statutes, list them below.

\_\_\_\_\_

\_\_\_\_\_

#### B. NATURE OF THE CASE

1) Briefly state the background of your case.

*I drove in from Fernley to be with my youngest son while he checked out buying a new Fiat car at 10:00am in the morning. A salesman, Norman Wallin asked me if I was interested in buying one too. I told him I was fixed income and could only pay \$200<sup>00</sup> a month and had bad credit. He said that was not a problem. I told him my total income was \$731.00 a month. He asked for my keys to check out a possible trade in which I gave him I had just had \$1,500 dollars worth done on it plus new tires. After several hours of chit-chat I asked for my keys back & was told they had removed the plates & detailed it and moved it to a lot. It was near closing time (6:00pm) and I could drive a new Fiat home & if I didn't want to buy it, bring it back but I would need to sign papers. I had not looked at or driven a Fiat and was led to a dimly lit room & told to sign the papers. They gave me keys, told me how to drive the car & left me alone. I was in a state of shock. They told me my son had left which he said later he was in the back of dealership putting gas in the car he had purchased.*

COUNT I thru 4

The following civil rights has been violated:

- 1- Theft of my supposed
- Trade in 2- Unfair and deceptive business practices.
- 3- Violations of Federal Truth in Lending (TILA)
- 4- Fraudulent inducement to enter into contract.

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

The sales man, Norman Wallin, asked me to wait 2 days before I brought the Fiat back, which I did. I called 2 days later and told Kevin Sheppard I was bringing it back & wanted my car back. He said they had sold it. I told him, "when I get my car back you get yours". Norman had quit his job and wasn't available.

I had asked Kevin Sheppard to see the contract (purchase agreement) earlier and he said it wasn't made out yet and, "you wouldn't understand it anyway".

They also told me at closing time my son had left. I couldn't find him but I knew he would never do that to me. Later when I got home I called him and he said they had taken him around back of the building to put gas in the Fiat he was buying.

COUNT ~~5~~ thru 8

The following civil rights has been violated: <sup>5-</sup> Intentional and actual fraud.  
6-Financial elder abuse. 7-Equal Credit Opportunity Act (ECOA)  
8-Intentional inflictional of emotional distress.

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

At that time (07-18-15) I was and 85 years of age and  
severely handicapped. (I am now 87.) I have had brain  
tumor surgery which removed my right (R) and middle  
ear drums and left me without equilibrium and deaf  
in my (R) right ear. I am legally blind in my (L) left eye  
but have peripheral vision in it. I had disc replacement  
in upper spine and these surgeries are the main reason  
for my financial need of assistance. I have tried all  
county, state and yellow pages for an attorney without  
success but am diligent in this endeavor. I pray  
for the Judicial's System patients and understanding.  
I was fortunate to have a friend at the Senior Center  
who was able to help me with the computer and of it but  
has since become so crippled with arthritis that I am  
now alone. I do not know of any place else to turn to.  
My goal is to stop these people from this contemptible  
and vicious fraud against seniors.

**COUNT** [REDACTED]

The following civil rights has been violated: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Since the refusal on my part to return the car, as I have not gotten any information about getting my supposed trade in back. I have had 3 encounters with repo agencies. The first 2 were kind & polite. Gave me business cards & identified themselves. The third one would not identify himself. Told me to unlock my security door and come out of my house as he couldn't see me. Threatened me. I called the police, but he immediately left as soon as he heard me call. They said they would look out for him. No I.D. on the vehicle he was driving but he said he was from Chrysler to pick up my Fiat and he would use his G.P.S. and as he put it "get me" eventually. I live alone in my home with a dog (and chickens) in a quiet court. I was quite a long time getting over the stress that man imposed on me.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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**D. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF**

- 1) Have you filed other actions in state or federal courts involving the same or similar facts as involved in this action? ☒ Yes ☐ No. If your answer is "Yes", describe each lawsuit. (If more than one, describe the others on an additional page following the below

outline).

- a) Defendants: the same case is pending
- b) Name of court and docket number: 3:16-cv-00409
- c) Disposition (for example, was the case dismissed, appealed or is it still pending?): This is a re-inacting filing do to request for removal of
- d) Issues raised: similar case pending in State Court in Yerington, NV. THE THIRD JUDICIAL COURT FOR THE STATE OF NEVADA IN AND FOR THE COUNTY OF LYON case no. 16-cv-00670
- e) Approximate date it was filed: 07-08-15
- f) Approximate date of disposition: is still pending and I would like a Jury Trial

- 2) Have you filed an action in federal court that was dismissed because it was determined to be frivolous, malicious, or failed to state a claim upon which relief could be granted? Yes ☒ No. If your answer is "Yes", describe each lawsuit. (If you had more than three actions dismissed based on the above reasons, describe the others on an additional page following the below outline.)

Lawsuit #1 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: \_\_\_\_\_
- b) Name of court and case number: \_\_\_\_\_
- c) The case was dismissed because it was found to be (check one): \_\_\_\_\_ frivolous \_\_\_\_\_ malicious or \_\_\_\_\_ failed to state a claim upon which relief could be granted.
- d) Issues raised: \_\_\_\_\_
- e) Approximate date it was filed: \_\_\_\_\_
- f) Approximate date of disposition: \_\_\_\_\_

Lawsuit #2 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: \_\_\_\_\_
- b) Name of court and case number: \_\_\_\_\_



- c) The case was dismissed because it was found to be (check one): \_\_\_\_\_ frivolous  
\_\_\_\_\_ malicious or \_\_\_\_\_ failed to state a claim upon which relief could be granted.
- d) Issues raised: \_\_\_\_\_  
\_\_\_\_\_
- e) Approximate date it was filed: \_\_\_\_\_
- f) Approximate date of disposition: \_\_\_\_\_

Lawsuit #3 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: \_\_\_\_\_
- b) Name of court and case number: \_\_\_\_\_
- c) The case was dismissed because it was found to be (check one): \_\_\_\_\_ frivolous  
\_\_\_\_\_ malicious or \_\_\_\_\_ failed to state a claim upon which relief could be granted.
- d) Issues raised: \_\_\_\_\_  
\_\_\_\_\_
- e) Approximate date it was filed: \_\_\_\_\_
- f) Approximate date of disposition: \_\_\_\_\_

- 3) Have you attempted to resolve the dispute stated in this action by seeking relief from the proper administrative officials, e.g., have you exhausted available administrative grievance procedures? \_\_\_ Yes ☒ No. If your answer is "No", did you not attempt administrative relief because the dispute involved the validity of a: (1) \_\_\_ disciplinary hearing; (2) ☒ state or federal court decision; (3) \_\_\_ state or federal law or regulation; (4) \_\_\_ parole board decision; or (5) \_\_\_ other \_\_\_\_\_.
- If your answer is "Yes", provide the following information. Grievance Number \_\_\_\_\_.
- Date and institution where grievance was filed \_\_\_\_\_.

Response to grievance: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



*This is a new case due to <sup>my</sup> request for Removal  
of similar case pending in The Third Judicial Court  
In And For The State of Nevada, County of Lyon in Yerington  
Nevada.*

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**E. REQUEST FOR RELIEF**

I believe that I am entitled to the following relief:

*Settlement as prescribed by Judicial Court or Jury  
decision and 2015 Fiat in question.*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I understand that a false statement or answer to any question in this complaint will subject me to penalties of perjury. **I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.** See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

\_\_\_\_\_  
(Name of Person who prepared or helped  
prepare this complaint if not Plaintiff)

*Constance Lormine*  
(Signature of Plaintiff)

*February 27, 2017*  
(Date)

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(Additional space if needed; identify what is being continued)

\_\_\_\_\_  
\_\_\_\_\_